

For a full account of the legislation of the State in reference to lunatics, and the practice of the Court of Chancery in such case, see Alexander's Chancery Pr. chap. 15, and *In re Rachel Colvin supra*.^s

Contracts of lunatics.—In *Key's Lessee v. Davis*, 1 Md. 32, land was devised to A. in tail, remainder to B. in tail. A. docked the entail by deed of bargain and sale under the Act of 1782, ch. 23; B. offered to impeach the deed by showing A. to have been *non compos mentis*. But the Court of Appeals held that such a deed of bargain and sale, duly executed, acknowledged, and enrolled under the laws of this State, being equivalent to a feoffment of the lunatic in person, was *voidable* only and not void, and therefore, upon the authority of *Beverley's case supra*, the remainderman could not take advantage of the insanity of the donee in tail. And the Court inclined to the opinion that the deeds and contracts of lunatics are *voidable* merely and not void, and this doctrine was affirmed in *Chew v.*

had no jurisdiction to decree a sale of the property of a lunatic either for his support, or to effect a change in investment, until inquisition found, committee appointed, and application for such sale made by the committee.

In *Willis v. Hodson*, 79 Md. 327, application was made to the court by the committee of a non-resident lunatic for a sale of her property for re-investment; no order of publication was passed but a copy of the petition for sale was served upon her by order of a judge in the state in which she resided. The sale was held void. The case affirms *Estate of Dorney*, 59 Md. 67, as to the power of the court to decree a sale of the property of a lunatic to pay necessary expenses incurred by the trustee for the former's support without a regular chancery proceeding.

The provisions of the Code of 1860 above referred to remained unchanged in the Code of 1888 (secs. 96-104). But secs. 98, 99 and 100 were amended by the Act of 1894, ch. 221, (Code 1911, Art. 16, secs. 116-118). The principal changes made by this act consist in giving the court power to decree a sale, lease, or surrender of a lease, of a lunatic's property to change investments, without any process or order of publication, though the application must still be made by the committee appointed after inquisition found; and in taking from the court power to decree a sale for the payment of debts, without being satisfied that such sale would be for the advantage of the lunatic. See *Tome v. Stump*, 89 Md. 264. It was also attempted by this act to give the same effect to any decrees or orders theretofore passed for the sales of property of lunatics, as if passed after the passage of the act, but this provision was held unconstitutional. *Willis v. Hodson*, 79 Md. 327.

Under the Act of 1896, ch. 33, (Code 1911, Art. 16, sec. 123), a person adjudged a lunatic has the right, on a petition for the superseding of his commission, to have the question of his mental capacity submitted to a jury.

As to the power of courts of equity over the persons and property of habitual drunkards, see Code 1911, Art. 16, secs. 51-53; *Tome v. Stump*, 89 Md. 264; *Baltimore v. Keeley Institute*, 81 Md. 106.

^s *Miller's Equity*, ch. 23.